

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

*In re:*

*Data Security Cases Against NELNET  
SERVICING, LLC*

**Case No. 4:22-cv-3191**

**The Honorable John M. Gerrard, U.S.D.J.**

**The Honorable Cheryl R. Zwart, U.S.M.J.**

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION  
FOR LEAVE TO FILE A CONSOLIDATED AMENDED CLASS ACTION  
COMPLAINT**

Plaintiffs<sup>1</sup> submit this memorandum of law in support of their unopposed motion for leave to file a Consolidated Amended Class Action Complaint (the “Proposed Complaint”) pursuant to the Court’s January 30, 2023 Order, Fed. R. Civ. P. 15(a)(2), and NECivR 15.1(a).

The Proposed Complaint amends the *Spearman* complaint to include Plaintiffs, Defendants, and claims from the consolidated actions, adds a handful of new Plaintiffs, adds Defendant EdFinancial Services, LLC, and reflects Plaintiffs’ continued investigation of the facts of this case. This type of amendment is common, consistent with the Federal Rules of Civil Procedure. *See VanHorn v. Nebraska State Racing Comm’n*, No. 4:03-cv-3336, 2008 WL 2405896, at \*5 (D. Neb. June 6, 2008) (“The pleading rules in the federal courts are very liberal and Federal Rule of Civil Procedure 15 contemplates that courts should allow pleadings to be amended if it is necessary to further justice and will not prejudice the parties”) (internal quotations and citations omitted). *See also Manual for Complex Litigation*, § 21.26 at 276 (4th ed. 2004) (“[a] consolidated complaint amends existing complaints to add the necessary or appropriate claims and parties. A single pleading, in a single action, can then serve as the vehicle for defining the proposed class and deciding class certification.”). “[A] district court should freely give leave to amend a complaint when justice so requires.” *Anderson v. Fritz*, No. 8:22-cv-369, 2023 WL 361919, at \*2 (D. Neb. Jan. 23, 2023) (citing Fed. R. Civ. P. 15(a)).

Plaintiffs have met and conferred with counsel for Defendants Nelnet and EdFinancial who do not oppose this motion.

Respectfully submitted,

DATED: March 3, 2023

/s/ Ian W. Sloss

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<sup>1</sup> Plaintiffs are Ian Scott, Jessica Alexander, Pamela Bump, Bridget Cahill, Lesly Canales, Melissa Charbonneau, Douglas Conley, Noah Helvey, Dallin Iler, Dustin Jones, Kayli Lazarz, Brittini Linn, Delilah Oliveira, Devinne Peterson, Eric Polanco, Justin Randall, Sofia Rodriguez, Joshua Sanchez, Charles Sangmeister, William Spearman, Taylor Vetter, Rachel Woods, Garner J. Kohrell, Olivia Covington, Alexis Luna, and Mary Traynor (“Plaintiffs”).

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**CERTIFICATE OF COMPLIANCE WITH LOCAL CIVIL RULE 7.1(d)(3)**

Undersigned counsel for Plaintiffs hereby certifies that this memorandum of law (the “Brief”) complies with the word-count limit described of Local Civil Rule 7.1(d)(1)(A).

Undersigned relied on the word count feature of the word-processing system, Microsoft Word, Version 2018, used to prepare the Brief. The actual number of words in the Brief, including all text (the caption, body, headings, footnotes, and quotations), is 525 words.

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

/s/ Ian W. Sloss  
Ian W. Sloss

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2023, a copy of this motion was filed electronically with the United States District Court for the District of Nebraska and served on all counsel of record through the CM/ECF system.

/s/ Ian W. Sloss  
Ian W. Sloss